

REMARKS

Applicants and Applicants' attorney express appreciation to the Examiner for the courtesies extended during the recent interview held on August 3, 2004. The claim amendments and arguments submitted in this paper are consistent with the amendments and arguments presented during the course of the Interview.

Claims 1-29 are pending, of which claim 1 is an independent method claim with corresponding independent computer program product claim 12, and claim 16 is an independent method claim with corresponding computer program product claim 25. As indicated above, by this paper claims 1, 12, 16, and 25 have been amended.¹

The Office Action rejected all of the independent claims (1, 12, 16, and 25) under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No 5,903,732 to Reed et al. ("*Reed*"). The remaining dependent claims were rejected either as being anticipated under 35 U.S.C. § 102(e) by *Reed*, or as unpatentable over *Reed* in view of U.S. Patent No. 6,260,078 to Fowlow ("*Fowlow*"), U.S. Patent No. 6,202,207 to Donohue ("*Donohue*"), and/or U.S. Patent No. 6,199,076 to Logan et al. ("*Logan*").² (The Examiner noted during the Interview that the reference to Donohue was most likely a typographical error and would be corrected in the next action, if necessary.)

Applicants' invention, as claimed for example in the various independent claims relates to restoring corrupted program instructions at a client system by checking the validity of the program instructions to determine whether the program instructions include a corrupted block or portion so as to render the corrupted block or portion unreadable as intended. If it is determined that there is a corrupted block or portion of the program instructions, the client system connects to or requests replacement program instructions from a server system, receives the replacement program instructions from the server system, and replaces the corrupted program instructions with the replacement program instructions received from the server system.

Applicants have amended the independent claims by indenting the limitations that follow the conditional "if" limitation in each independent claim to remove any potential ambiguity that

¹Support for the claim amendments can be found throughout the Specification, including on page 3, beginning at line 17; page 4, beginning at line 5; page 17, beginning at line 7; and Figure 6.

²Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to do so in the future. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status or asserted teachings of the cited art.

the limitations following the conditional "if" limitation are included within the conditional. Applicants also have amended the independent claims to clarify that a corrupted block or portion or program instructions relates to program instructions that are unreadable as intended.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131. That is, "for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly." MPEP § 706.02. Applicants also note that "[i]n determining that quantum of prior art disclosure which is necessary to declare an applicant's invention 'not novel' or 'anticipated' within section 102, the stated test is whether a reference contains an 'enabling disclosure.'" MPEP § 2121.01. In other words, a cited reference must be enabled with respect to each claim limitation. During examination, the pending claims are given their broadest reasonable interpretation, *i.e.*, they are interpreted as broadly as their terms reasonably allow, consistent with the specification. MPEP §§ 2111 & 2111.01.

Reed discloses a secure Web platform ("SWP") for enable remote users with access to CGI applications in response to HTTP requests. Col. 3, ll. 41-45. Upon receipt of an HTTP request that corresponds to a CGI application, a Web server attempts to execute one of a plurality of outside CGI links identified by the URL of the HTTP request. Col. 5, l. 65 – col. 6, l. 1. The gateway client that includes the outside CGI links verifies that is has been invoked by the Web server and makes a request to a gateway server. Col. 6, ll. 1-16. The gateway server program verifies that the connection originated from a reserved or privileged port, transfers the environment of the gateway client program, determines if the gateway client program name is a valid request, and optionally may compute a checksum of the CGI application executable file. Col. 6, ll. 16-34. If the checksum does not match an expected value, the request is rejected. Col. 6, ll. 34-35. If the request is rejected, the gateway server audits the reason for failure, and transmits an error message to the gateway client, which terminates. Col. 6, ll. 36-38. If the request is accepted, the gateway program redirects is standard input, output, and error to the gateway client program connection and uses an exec(2) system call to replace itself with the target CGI application. Col. 6, ll. 38-48.

Among other things, however, *Reed* fails to teach or suggest restoring corrupted program instructions at a client system. Indeed, as noted in the Interview Summary, the amendment proposed during the Interview appears to overcome aspects of *Reed* and clarification of the

conditional distinguishes over software upgrades, meaning that a new search most likely will be needed.

Based on at least the foregoing reasons, therefore, Applicants respectfully submit that the cited prior art fails to anticipate or make obvious Applicants invention, as claimed for example, in independent claims 1, 12, 16, and 25. Applicants note for the record that the remarks above render the remaining rejections of record for the independent and dependent claims moot, and thus addressing individual rejections or assertion with respect to the teachings of the cited art is unnecessary at the present time, but may be undertaken in the future if necessary or desirable, and Applicants reserve the right to do so.

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 7th day of September, 2004.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
ERIC M. KAMERATH
Registration No. 46,081
Attorneys for Applicant
Customer No. 022913

EMK:kc
KC0000002898V001